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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/717,529 | 11/21/2000 | Amy Hobbs Atzel | 13415.1-US-01 | 1794 |
| 23552 | 7590 | 06/18/2004 | EXAMINER | |
| MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 | | | LEWIS, CHERYL RENEA | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2177 | 12 | |
| DATE MAILED: 06/18/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/717,529 | ATZEL, AMY HOBBS |
| | Examiner | Art Unit |
| | Cheryl Lewis | 2177 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

RESPONSE TO RCE

1. This Office Action is in response to the applicant's communication received on September 9, 2003, paper no. 8 and March 29, 2004, paper no. 9-11.
2. Claims 1-47 are presented for examination.
3. The examiner has reviewed the applicant's remarks with regards to the 35 U.S.C. 112, second paragraph, regarding the claimed subject matter of "unformatted text". The applicant's remarks provide clarity for the type or types of "unformatted text" defined within the invention, as well as citing support for "unformatted text" within the specification. The 35 U.S.C. 112, second paragraph rejection is hereby withdrawn.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 29, 2004 has been entered.
5. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al. (Pat. No. 5,623,681 filed November 19, 1993, herein Rivette).

8. Regarding Claims 1, 9, 22, and 35, Rivette teaches a method and apparatus for synchronizing, displaying and manipulating text and image documents.

The method and associated system for synchronizing, displaying and manipulating text and image documents as taught or suggested by Rivette includes:

receiving a text request (col. 11, lines 4-16 and 56-62, col. 19, lines 52-67, col. 20, lines 1-43, col. 21, lines 16-35, col. 22, lines 66 and 67, col. 23, lines 1-12, col. 30, lines 26-59, col. 31, lines 25-37) comprising a unique identifier (col. col. 7, lines 65-67, col. 10, line 55, col. 13, lines 33-41, col. 23, lines 12-32) and unformatted text (col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67), wherein the unique identifier identifies an electronic file (col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67); parsing the text request to identify the unique identifier (col. 10, lines 45-65, col. 18, lines 10-30); requesting the electronic file identified by the unique identifier (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).

9. Regarding Claims 2, 3, 10, 11, 23, 24, 36, 37, the limitations of these claims have been noted in the rejection above. In addition, Rivette teaches querying a user to order the identified file by the selected unique identifier (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
10. Regarding Claims 4, 12, 25, 38, Rivette teaches unique identifiers are delivered as a bundle (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
11. Regarding Claims 5, 13, 26, and 29, Rivette teaches a window for a text request selection (col. 33, lines 1-67, col. 14, lines 1-67).
12. Regarding Claims 6, 17, 30, and 43, Rivette teaches the file is selected from a group of multimedia files, image files, document files, and program files (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
13. Regarding Claims 7, 31, and 18, Rivette teaches a client computer (figure 1).
14. Regarding Claims 14, 27, and 40 Rivette teaches an electronic file (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
15. Regarding Claims 15, 28, and 41, Rivette teaches a consumer product (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
16. Regarding Claims 16, 29, and 42, Rivette teaches the item is a service (col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).

17. Regarding Claims 20, 23, and 46, Rivette teaches the request comprises text (Abstract, lines 1-20).
18. Regarding Claim 34, Rivette teaches the request comprises an image (Abstract, lines 1-20, col. 11, lines 4-16, col. 12, lines 61-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67).
19. Regarding Claims 21, 33, 39, and 47, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
21. Claims 8, 19, 32, 35, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivette et al. (Pat. No. 5,623,681 filed November 19, 1993, herein Rivette) as applied to claim 1, 9, 22, and 35 above, and further in view of Arthurs (Pat. No. 6,591,261 B1 filed June 21, 2000; Provisional Application no. 60/139,796 filed June 21, 1999).
22. Regarding Claims 8, 19, 32, and 45, Rivette does not expressly teach a server computer.

However, Arthurs teaches a server computer (col. 10, lines 1-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Rivette with the method of Arthurs because Arthurs' method enables a search engine to combine the rated index of a content of a web site with the correlation of links to other sites to provide a logical grouping of related sites and enhances the search engine ranking capabilities (see Arthurs, Abstract, lines 1-10).

23. Regarding Claim 44, Arthurs teaches the means which essentially comprises the same means as a Java applet (col. 3, lines 25-67, col. 4, lines 1-67 col. 10, lines 1-67).

NAME OF CONTACT

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

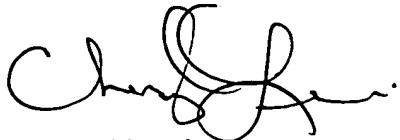
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Art Unit: 2177

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Cheryl Lewis
Patent Examiner
June 14, 2004